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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,090	08/20/2001	Jocelyn Tristram Gervais Wood	03485-P0002A	6640

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/933,090

Applicant(s)WOOD, JOCELYN TRISTRAM
GERVAIS**Examiner**

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Detailed Action

Response to Amendment

Claims 1-4 and 6-14 are pending. This action is in response to the amendment received July 11, 2005.

Response to Arguments

Applicant's arguments with respect to claims 1-4 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The Examiner accepts the drawings filed on August 20, 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-4** and **6-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (US 5,673,402) in view of Roberts et al. (US 4,839,804).

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Re claims 1 and 9, Ryan teaches a data processing system for initiating and managing a loan of capital from a lender to a borrower, which loan is to be repaid over a term, which system comprises (col. 6, line 31 to col. 7, line 40; col. 9, lines 40-67):

(i) means for logging personal data into a personal database, which data comprises one or more predetermined relevant indicators of the borrower's future income profile (figs. 34A-35C);

(ii) means for estimating the borrower's future income profile, which means comprises a database of reference income profiles for a plurality of borrower categories, each profile individually identifiable by its characteristic reference indicator(s), and means for matching or approximating the relevant indicator(s) with each reference indicator or indicators thereby to arrive at an income profile most suited to the borrower during the term of the loan (col. 54, line 40 to col. 57, line 65; fig. 33H);

(iii) means for computing a predicted repayment schedule over the term, which schedule comprises a plurality of predicted repayment events, the total amount to be repaid comprising an original capital sum and compensation for the lender, the amount to be repaid at each event being calculated as a percentage value of the borrower's estimated instantaneous income at about the time that the repayment is to be made (col. 4, lines 5-23; col. 28, lines 53-61; fig. 3); the system further comprising

(iv) means for logging the borrower's actual income during the term of the loan and demanding repayment events from the borrower, each repayment comprising the predicted percentage value of the borrower's actual income rather than the predicted income, whereby

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the actual repayment comprises a proportion of the borrower's actual income during the term of the loan (figs. 28e-28h); the system further comprising

(v) means for adjusting at least one of the original capital sum and the compensation to be repaid over the term according to any known prediction model or forecast which is made when actual payments have been received (col. 36, lines 36-43).

However, Ryan does not explicitly teach economic prediction. On the other hand, Roberts discloses economic prediction (col. 2, lines 8-60; abstract). Roberts discloses some catastrophic event that corresponds to economic prediction. In that, he predicts the future cost by defusing the uncertain future cost. Accordingly, he protects an individual against future risk. Thus, it would have been obvious to one of ordinary skill in the art to have economic prediction as some catastrophic event as discloses in Roberts.

Re claims **2-4**, Ryan teaches percentage value predicted to be repaid is calculated to repay the compensation while the capital portion is repaid by a separate financial instrument (fig. 3A-1).

Re claims **6-8**, Ryan teaches percentage of the borrower's income forming a repayment at each payment event is a fixed percentage during the term of the loan (col. 4, lines 5-23; col. 28, lines 53-61; fig. 3).

Re claim **7**, Ryan teaches percentage of the borrower's income forming a repayment event may vary according to a predefined event or set of circumstances (col. 36, lines 36-43).

Re claim **8**, Ryan teaches percentage is ramped upwards or downwards as function of the term of the loan (figs. 28e-28h).

Re claim 10, Ryan teaches actual income consists of a gross taxable income or that income which is exempted from specific taxes (col. 11, lines 8-65).

Re claim 11, Ryan teaches actual income repayments may be subject to a ceiling and/or floor to provide maximum and/or minimum repayments at the repayment events (col. 28, lines 16-27; col. 29, lines 29-33; fig. 3B-4).

Re claims 12-13, Ryan teaches actual repayments may be used to provide a saving plan or pension if a preset repayment ceiling is exceeded (col. 11, lines 8-26).

Re claim 14, Ryan teaches a computer or computer network programmed to carry out the calculation required and store the data required (figs. 1-2 and 3B-5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

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Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH

9/23/2005

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read "Vincent Millin", written in a cursive style.